

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

FRANKLIN DELANO SIMON,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:08-cv-0562-MEF
	)	WO
CORRECTIONAL MEDICAL	)	
SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On January 28, 2011, the Magistrate Judge filed a Recommendation (Doc. #56) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED AND ADJUDGED as follows:

1. That the Recommendation of the Magistrate Judge is ADOPTED.
2. That the defendants' motion for summary judgment is GRANTED and judgment is granted in favor of the defendants.
3. That this case is DISMISSED without prejudice.
4. Costs are taxed against the plaintiff.

DONE this the 28<sup>th</sup> day of March, 2011.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE